REPUBLIC OF SLOVENIA

HUMAN RIGHTS OMBUDSMAN

Second Annual Meeting of the NPM SEE Network Safeguards for the Protection of the Fundamental Rights of Children in Conflict with the Law

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NPM Slovenia

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Police Procedures

In Slovenia, children become criminally liable at the age of 14 (younger juveniles are aged 14–16, while older juveniles are aged 16–18).

In cases involving misdemeanours or criminal offences, proceedings involving juveniles are usually initiated by the police.

These procedures are governed by the Police Tasks and Powers Act (PA), as well as by certain other regulations.

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Article 13 of the PA: special attention, assistance and care with particular consideration - children, juveniles, older persons, persons with disabilities, pregnant women and victims of domestic violence.

Article 18 - when dealing with children and juveniles, police officers must take into account their age, physical and mental development, sensitivity and any other characteristics that may be observed.

When police officers exercise police powers against a child, the PA requires them to inform the child's parents or guardian if this is in the child's best interests, and always when coercive measures have been used against the child or detention has been ordered.

Under the conditions prescribed by law, police officers may also detain a juvenile.

<u>The maximum period of detention is 48 hours, as is the case for adults.</u>

The PA lays down *specific provisions* concerning the detention of juveniles (Article 65), namely:

-Notification of parents (or the competent Social Work Centre).
-Unrestricted contact and communication with parents or another trusted person, provided that this is not contrary to the juvenile's best interests. Police officers must not listen to such conversations, although they may supervise them visually.
-Separation from adults: juveniles must be held separately from adults in police detention facilities.

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Findings of the NPM:

Police detention of juveniles is rare. However, shortcomings have been identified in relation to notifying parents and ensuring access to legal assistance (a lawyer).

Good practice: A specially adapted information notice accompanying the information leaflet on the rights of detained juveniles.

CPT Recommendation (2017)

Given the particular vulnerability of this age group, the CPT recommends that the necessary measures be taken to guarantee that juveniles deprived of their liberty by the police are never subjected to police questioning or requested to make any statement or to sign any document concerning the offence(s) they are suspected of having committed without the presence of a lawyer and, in principle, a trusted adult person. This should also be reflected in the relevant legislation. Further, juveniles who are not able to pay for a lawyer should be entitled to free legal aid from a lawyer appointed by the Bar Association.

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Criminal Proceedings

A new Juvenile Criminal Justice Act - it will enter into force on 1 January 2027.

It provides for specialization and training for all stakeholders involved in the criminal justice system dealing with juveniles.

The Act introduces numerous improvements to the criminal proceedings involving juveniles. One of its key innovations is the establishment of a Juvenile Centre - an individual assessment of the juvenile, using an interdisciplinary approach, for the purposes of the proceedings against them.

The establishment of a forensic psychiatric healthcare institution for juveniles or a forensic psychiatric unit within a healthcare institution - a maximum of three years. Until now, juveniles undergoing such treatment have been accommodated together with adults.

Juveniles' legal representation - mandatory legal representation where a juvenile is deprived of their liberty and, from the commencement of the preliminary proceedings, where the offence carries a prescribed prison sentence of more than three years.

Legal representation is also mandatory where the court considers that the juvenile requires it, taking into particular account the juvenile's psychosocial functioning, the complexity of the case and the severity of the criminal sanction or other measures that may be imposed.

The Act also shortens the maximum duration of pre-trial detention. Previously, detention could last for up to three months during the preliminary proceedings and a further two years thereafter. Under the new legislation, detention may last for a maximum of three months during the preliminary proceedings, followed by a maximum *of six months* thereafter.

Juveniles may be subject to both non-custodial and custodial measures.
The custodial measures include:
-placement in a centre for children and adolescents with emotional and behavioural problems and disorders;
-placement in a youth reintegration facility (currently known as the juvenile correctional facility); and
-placement in a training, work and care centre.

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A juvenile may also be sentenced to juvenile imprisonment.
The maximum sentence is five years for an older juvenile (aged 16 or over) who has committed an offence punishable by a prison sentence of more than five years. In the case of an offence punishable by a prison sentence of at least 15 years, the maximum juvenile prison sentence is ten years.

Juvenile imprisonment is rare.

In 2025, no juveniles were serving a sentence of juvenile imprisonment. However, nine juveniles were held in pre-trial detention during that year.

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Problems identified in practice:

One of the problems identified in practice is the placement of juveniles in pre-trial detention facilities together with adults, albeit in separate accommodation. In practice, there are also difficulties in ensuring that the specific status and needs of juveniles are taken into account. For example, the requirement to provide them with the right to spend three hours a day in the fresh air is not always properly observed.

The NPM also visits the youth reintegration facility (currently known as the juvenile correctional facility). As at 31 December 2025, there were 30 juveniles accommodated in this institution. Following our most recent visit, we issued several recommendations aimed at improving the situation.

The most significant problem concerns the unsuitable accommodation facilities for juveniles, as the institution is housed in an old building that formerly served as a monastery.

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Our recommendations included, among other things:

-improving the material living conditions;
-examining the possibilities for filling vacant posts;
-establishing a dedicated programme to address the harmful use of drugs and/or alcohol, as well as a programme aimed at strengthening the mental health of juveniles accommodated in the institution;
-examining the possibilities for establishing and regularly providing group therapy led by appropriately qualified professionals; and
-developing consistent professional standards of practice based on the needs of juveniles and taking into account the complexity of the difficulties they face.

- **Educational institutions** → Centres for children and adolescents with emotional and behavioural problems and disorders
- **Social welfare institutions** → Crisis centres for children and adolescents
  Training, work and care centres
- **Healthcare institutions** → Intensive child and adolescent psychiatric unit
  Forensic psychiatric unit (for adults)

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Centres for children with emotional and behavioural problems and disorders

- educational institutions
- children and adolescents aged 6 to 18
- 9 centres → educational / residential / intensive groups
- *Act on treatment of children and adolescents with emotional and behavioural problems and disorders in education* (2021)





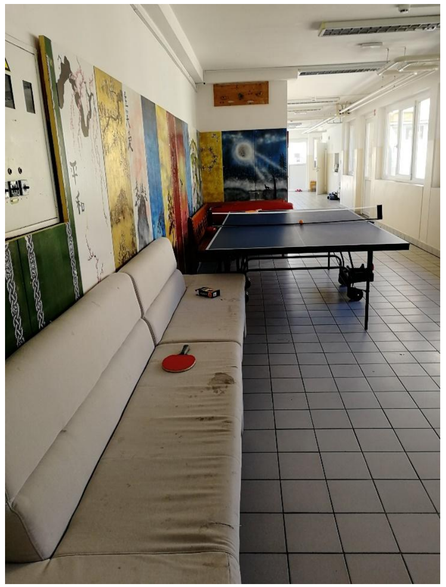
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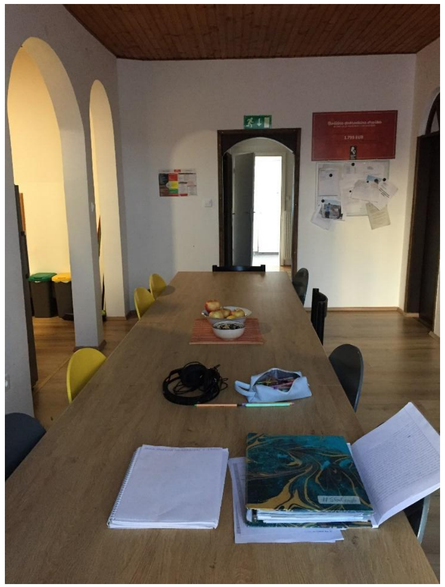
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Centres for children with emotional and behavioural problems and disorders

- in accordance with *Family Code* → child at risk and needs to be temporarily separated from parents to protect best interests / child's psychosocial problems put them or other children in the family at risk

- in accordance with *Criminal Code* / *Juvenile Criminal Justice Act* → educational measure for juvenile offenders → support education, rehabilitation and well-rounded personal development under the continuous guidance and supervision of qualified professionals

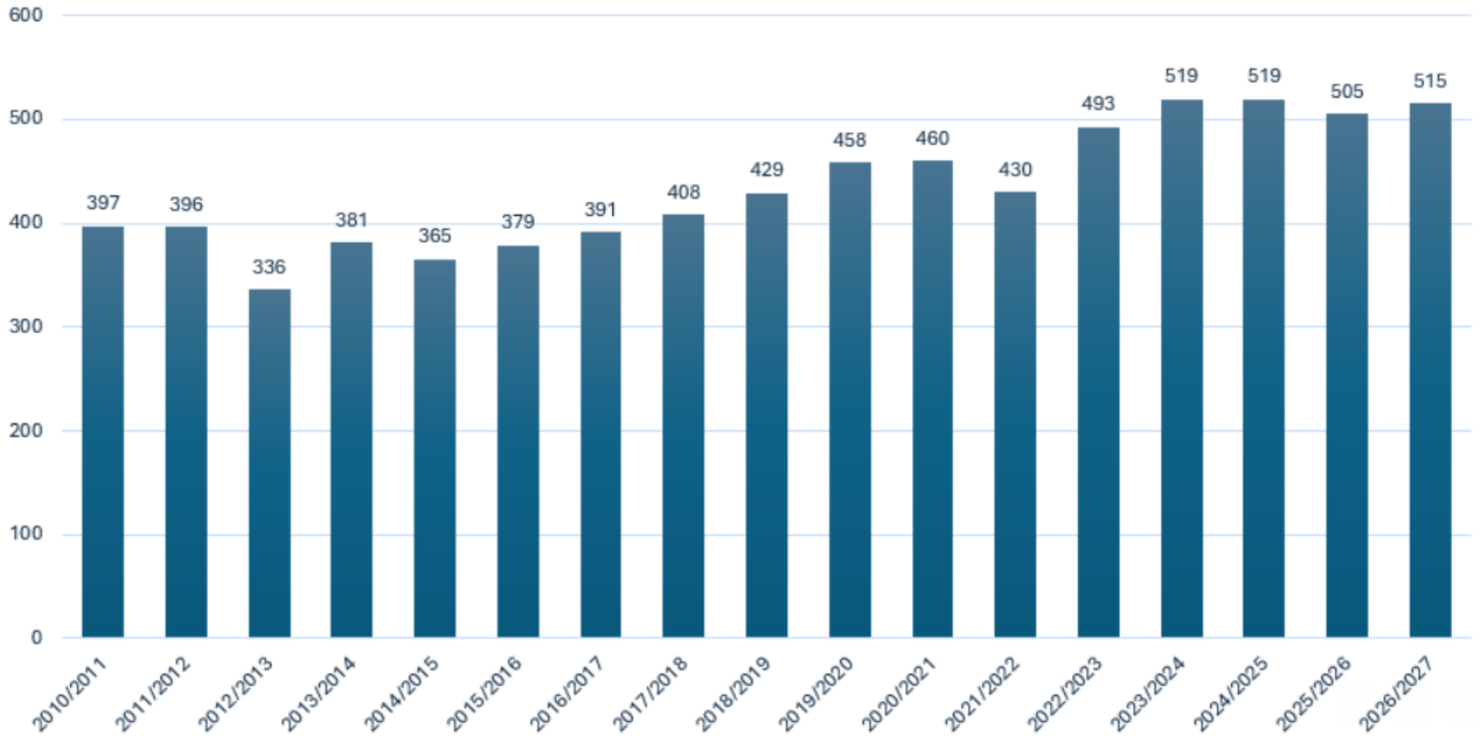




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Centres for children with emotional and behavioural problems and disorders



Source: Ministry of education, science and youth

515 children and adolescents (30. 9. 2026) →

8 in accordance with *Criminal Code* (5. 11. 2026)

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Centres for children with emotional and behavioural problems and disorders – findings

- severe emotional and behavioural problems
- mental health problems
- violence
- self-harm behaviour
- unauthorised absences
- use of psychoactive substances
- criminal offences



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Centres for children with emotional and behavioural problems and disorders – recommendations

- intensive groups → provide assistance in developing treatment programmes
- use of psychoactive substances and other addictions → provide support to centres, adopt appropriate protocols
- staff (in intensive groups) → training and education for crisis situations
- effective means to ensure return of child to the centre
- premises of the groups
- regional principle for placement

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Crisis centres for children and adolescents

- social welfare institutions → within centres for social work
- 9 crisis centres for children aged between 6 to 18 / 2 centres for children under the age of 6
- children at risk in their home environment



Crisis centres for children and adolescents

- placement related to a juvenile's conflict with the law → restraining order prohibits contact with juvenile‘s parents, guardians or siblings

- 2023 → 10 juveniles
- 2024 → 9 juveniles
- 2025 → 8 juveniles



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Crisis centres for children and adolescents

- long-term accommodation → several months → not in best interest of child

- legal framework for placement in crisis centres → court order under *Family Code* / voluntarily



Training, work and care centres

- care and support for children and adults with intellectual disabilities and developmental problems
- five centres with residential units in different locations
- legal basis for placement → agreement
- placement under *Criminal Code* / *Juvenile Criminal Justice Act* → juvenile offenders with intellectual or physical disability
- no placements under *Criminal Code* in recent years

- ***intensive child and adolescent psychiatric unit*** → secure ward → since 2019 at University Psychiatric Clinic Ljubljana → max. 8 patients aged 8 to 18

- *Mental Health Act* – admission with consent / on the basis of court order



- not for juvenile offenders from correctional institution / juvenile detainees or prisoners → **forensic unit for adults**

- 2024 → 2 juveniles
- 2025 → 1 juveniles (2x)
- 2026 → 3 juveniles

